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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional) MP2209-156672	

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on 01/16/2009 Signature /Enoy Lawless/ Typed or printed name Enoy Lawless	Application Number 10/826,886	Filed 04/15/2004
	First Named Inventor Richard D. Taylor	
	Art Unit 2625	Examiner Riley, Marcus T.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
　　　Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☑ attorney or agent of record.
Registration number 35,933

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

/Kevin T. LeMond/
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(503) 222-9981
　　　　　　　　Telephone number

01/16/2009
　　　　　　　　Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

    RICHARD D. TAYLOR, et al.

Application No.: 10/826,886

Filed: April 15, 2004

For: A PROGRAMMABLE I/O
       INTERFACE

Examiner: Riley, Marcus T.

Art Group: 2625

Confirmation No.: 1435

Mail Stop AF
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

In the 2nd Office Action mailed August 19, 2008 ("2nd Office Action"), claims of the above-captioned application were rejected for a second time. The action was made final. Applicants hereby appeal this decision of the Examiner to the Board of Patent Appeals and Interferences according to 35 U.S.C. §134 and submit a Notice of Appeal in compliance with 37 C.F.R. §41.31 contemporaneously with the present request. Prior to the filing of the Appeal Brief, Applicants respectfully request that a panel of Examiners formally review the legal and factual basis of the rejections in the above-captioned application in light of the remarks to follow.

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REMARKS/ARGUMENTS

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I. STATUS OF CLAIMS

Claims 1-7 are pending.

Claims 1- 4 and 6-7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Curry et al. (US 6,112,275) in combination with Smith et al. (US 6,762,733).

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Curry in combination with Smith and further in view of Ueda (US 5,631,637).

These rejections are respectfully traversed and reconsideration is respectfully requested.

II. Claim Rejections under 35 U.S.C. § 103

Claim 1 is directed towards a programmable interface that includes, among other features, a system processor that is configured to load the executable code onto the Code Store SRAM and is further configured to signal the microcontroller, via the run control register, to begin execution of one or more instructions included in the executable code.

For example, the applicants' Fig. 1 illustrates a main system CPU 30 loading executable code onto the Code Store SRAM 14, and signaling the microcontroller 12, via the run control register 16, to begin execution of one or more instructions included in the executable code.[1]

In the 2nd Office Action the Examiner alleged that Curry discloses a programmable interface, but acknowledges that Curry does not disclose at least the above recited features (page 12 of the office action). The Examiner, however, alleged that Smith discloses these features.

Specifically, the Examiner alleged that Smith discloses, in Fig. 7, registers 160, 162 and 164, which the Examiner appears to equate with the recited run control register. It is respectfully submitted that Smith discloses that the registers 160, 162 and 164 are coupled to the PSRAM controller 166. The bits stored in the respective

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[1] Applicants specification, paragraph 14, lines 1-5.

registers are input to the PSRAM controller 166 which, in turn, selects, in accordance with the state of the output from registers 158-164, the address mapping mode of PSRAM 174.[2] The Examiner appears to equate Smith's PSRAM controller 166's selecting the PSRAM 174 address mapping mode with the recited execution of instructions included in an executable code.

Claim 1 recites four components: a system processor, a Code Store SRAM, a microcontroller, and a run control register. Additionally, claim 1 recites that the system processor loads executable codes onto the Code Store SRAM. Furthermore, claim 1 recites that the system processor signals the microcontroller, via the run control register, to begin execution of one or more instructions included in the executable code.

It is respectfully submitted that Fig. 7 of Smith illustrates registers 160-164 coupled to the PSRAM controller 166, and further illustrates the PSRAM controller 166 coupled to the PSRAM 174. The Examiner equated registers 160-164 with the recited run control register. The Examiner, however, has not clearly identified any component in Smith that is equivalent to the recited Code Store SRAM. If, arguendo, Smith's PSRAM 174 is equated with the Code Store SRAM, then a system processor in Smith needs to load executable code onto the PSRAM 174, as recited in claim 1. Smith, however, does not disclose a system processor loading any executable code onto the PSRAM 174. Also if, arguendo, Smith's PSRAM controller 166 is equated with the recited system processor, then Smith lacks a microcontroller, as recited in claim 1. On the other hand, if Smith's PSRAM controller 166 is equated with the recited microcontroller, then the PSRAM controller 166 needs to execute codes stored in the PSRAM 174; however, it is respectfully submitted that Smith does not disclose any such feature.

Further, Smith discloses that applications programs may be downloaded from the host computer, buffered in the FIFO 184, and loaded into the pseudo-static RAM 174 via the SNES data bus.[3] Smith also discloses that programs stored in PSRAM 174 (allegedly equated with the recited Code Store SRAM) may be accessed by the host

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[2] Smith, col. 13, lines 3-7.
[3] Smith, col. 16, lines 26-28.

CPU 220 via address buses and data buses (see FIG. 9).[4] If, arguendo, Smith's host CPU 220 is equated with the recited microcontroller, Smith fails to disclose a system processor that loads the programs onto the PSRAM 174 and also instructs the host CPU 220, via a run control register, to execute the programs stored in the PSRAM 174.

For at least these reasons, the applicants respectfully submit that Smith fails to disclose or suggest the above recited features. The Examiner also acknowledges in the 2nd Office Action that Curry does not cure these deficiencies of Smith. Accordingly, the applicants respectfully submit that neither Curry, nor Smith, either alone or in combination, disclose or even suggest the features of claim 1, and accordingly, respectfully submit that claim 1 is in condition for allowance, along with associated dependent claims 2-4 and 6-7.

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Curry in combination with Smith and further in view of Ueda (US 5,631,637).

Claim 5 depends from allowable claim 1. It is respectfully submitted that Ueda does not cure the deficiencies of Curry and Smith, as applied to claim 1. Accordingly, the applicants respectfully submit that claim 5 is allowable for at least the reasons claim 1 is allowable.

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[4] Smith, col. 17, lines 60-63.

Conclusion

Claims 1-7 are believed to be in condition for allowance. Thus, a Notice of Allowance is earnestly solicited. Please contact the undersigned at (503) 796-2997 regarding any questions or concerns associated with the present matter. If any fees are due in connection with this paper, the Commissioner is authorized to charge Deposit Account 500393.

Respectfully submitted,

Schwabe, Williamson & Wyatt, P.C.

Dated: 01/16/09

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Application No. 10/826,886